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Mylan Pharmaceuticals Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**ELI LILLY AND COMPANY,**

**Plaintiff,**

**v.**

**ACTAVIS ELIZABETH LLC,  
GLENMARK PHARMACEUTICALS INC.,  
USA, SUN PHARMACEUTICAL  
INDUSTRIES LIMITED, SANDOZ INC.,  
MYLAN PHARMACEUTICALS INC.,  
APOTEX INC., AUROBINDO PHARMA  
LTD., TEVA PHARMACEUTICALS USA,  
INC., SYNTHON LABORATORIES, INC.,  
ZYDUS PHARMACEUTICALS USA, INC.,**

**Defendants.**

**Civil Action No. 07-3770 (DMC)(MF)**

**NOTICE OF MOTION TO SEAL**

**RETURN DATE: SEPTEMBER 20, 2010**

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**PLEASE TAKE NOTICE** that on the 20th day of September, 2010, or as soon thereafter as counsel may be heard, Defendant Mylan Pharmaceuticals Inc. ("Mylan") will appear before the Honorable Joseph A. Dickson, United States Magistrate Judge, sitting at the Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, and will move this Court pursuant to Local Civil Rule 5.3(c), for an Order to Seal the following:

- Mylan's Brief in Opposition to Plaintiff Eli Lilly and Company's Motion for (1) Deferral of Entry of Final Judgment or for an Order to Show Cause with Temporary Restraints and (2) a Temporary Injunction
  - Page i, sections (i) through (iii)
  - Page 2, lines 16-17 and line 18 ending at "Because"

- Page 3, line 9 after “112” through line 10 ending at “D.E. 657”
- Page 5, line 17 after “2007” through line 19 ending at “Perhaps”
- Page 14, line 16 ending at “(Lilly Br.”
- Page 15, the first column of the table
- Page 16, lines 12 through line 14 ending at “(See, e.g.,”
- Page 17, lines 19 through 23 ending at “as the Federal Circuit”
- Page 18, lines 6 through 8 ending at “(See, e.g.,” and lines 18-19
- Page 21, lines 8 through 12 ending at “See Declaration,” line 15 beginning at “drugs” through line 22
- Page 22
- Declaration of Tony Mauro
  - Page 2, line 20 beginning at “market” through line 22
  - Page 3
  - Page 4, lines 1 through 8, line 10 beginning after “time” through line 11 ending at “The,” line 15 through 16 ending at “As discussed”
  - Page 5, lines 1 through 5
- Declaration of Harry C. Boghigian
  - Page 6, lines 21 through 22 ending at “The fact”
  - Page 7, lines 2 beginning after “reference)” through line 5
  - Page 8, line 16 beginning after “generic” through line 19 ending at “Even,” line 21 beginning at “it” and ending at “(whether”
  - Page 10, line 5 beginning after “ADHD” through line 8 ending at “This,” line 16 through line 19 ending at “In my,” line 21 beginning after “damages” through line 23
  - Page 12, line 9 beginning after “sales” through line 16 ending at “Indeed”
  - Page 13, lines 11 through 13, lines 19 through 22, line 24 beginning after “is” and ending at “again”
  - Page 14, line 2 beginning after “revenues” through line 4, lines 7 through 12 ending at “Quite,” lines 14-20

- Page 15, lines 1 through 3, line 7 beginning after “opportunities” through line 12 ending at “So,” line 14 through line 15 ending at “It is”
- Page 16, line 2 beginning after “category” through line 6 ending at “Further.”

**PLEASE TAKE FURTHER NOTICE THAT** Mylan shall rely upon the accompanying Brief, the Declaration of Victoria E. Spataro, Esq., the Proposed Findings of Fact and Conclusions of Law, and all papers submitted herewith. A proposed form of Order is also submitted for the Court’s consideration.

Respectfully submitted,

**SAIBER LLC**  
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Dated: August 23, 2010

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